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SPEAKER KRISTENSEN: Senator Bromm, you're recognized to open.

SENATOR BROMM: Thank you very much, Mr. Speaker. Colleagues, LB 1185 attempts to address the situation as it exists in the area of workers' compensation, and specifically as it relates to the agricultural employee exemption. We all know that over the course of time, the nature of agriculture has changed. And we have in our law a very old exemption which, among other things, domestic servants, and so forth, exempts agricultural employees. Well, through the years there have been different rulings by the courts as to whether or not the Workers' Compensation Act applied to a given situation in agriculture. There was a custom combining case a few years ago where the court said that custom combining employers in that situation were subject to the act. There have been other cases where the courts have held that the workers were not subject to the act. But as agriculture develops, let me describe a few situations where you have a very gray area and a very dangerous area of law, both for the employer and the employee. For example, if you have a rancher out here who attempts to supplement his income by bringing in cattle from somewhere else, either to pasture in the summer or to take care of in the winter, he's taking care of somebody else's cattle. What if a ranch hand has an accident? Is the court going to say that that particular rancher is covered, or the employee, rather, is covered under the act? And, if so, the rancher is liable for whatever the medical bills are, whatever the workers' compensation schedule is for a particular injury. That comes out of the rancher's pocket. The other double whammy that Senator Connealy has been trying to address this session, and there's a provision in the bill about this as well, is under the fact situation that I've described, let's say that the rancher carried full medical insurance on the employee and his family as part of his benefits for the job. Under that fact situation, if the court determined that indeed because the rancher was taking care of someone else's cattle at the time, that the employee was under the Worker's Comp Act, then in most any health insurance policy there is a provision that if the employee is injured on the job and it's subject to workers' compensation jurisdiction, then the health insurance coverage does not apply and the health insurance that has been paid for